

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LAUREL PARK COMMUNITY, LLC, a Washington
limited liability company; TUMWATER ESTATES
INVESTORS, a California limited partnership;
VELKOMMEN MOBILE PARK, LLC, a Washington
limited liability company; and MANUFACTURED
HOUSING COMMUNITIES OF WASHINGTON, a
Washington non-profit corporation,

Plaintiffs,

v.

CITY OF TUMWATER, a municipal corporation,

Defendant.

No. C09-05312BHS

[PROPOSED]
ORDER GRANTING
PLAINTIFFS' MOTION
TO STRIKE OR IN THE
ALTERNATIVE, DENYING
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT

Note on Motion Calendar:
April 9, 2010

THIS MATTER came before the Court on the motion of defendant City of Tumwater ("Tumwater") for an order granting summary judgment and dismissal of the claims of plaintiffs Laurel Park Community, LLC, Tumwater Estates Investors, Velkommen Mobile Park, LLC, and Manufactured Housing Communities of Washington (collectively "the park owners"). The Court also considered the park owners' motion to strike Tumwater's summary judgment motion. The park owners were represented by Philip A. Talmadge, Thomas M. Fitzpatrick, and Emmelyn Hart-Biberfeld of Talmadge/Fitzpatrick, 18010 Southcenter Parkway, Tukwila, WA 98188, (206) 574-6661 and Walter H. Olsen, Jr. of Olsen Law Firm PLLC, 205 S. Meridian, Puyallup, WA 98371, (253) 200-2288. Tumwater was represented by Jeffrey S. Myers of Law, Lyman,

1 Daniel, Kamerrer & Bogdanovich, P.S., P.O. Box 11880, Olympia, WA 98508-1880, (360) 754-
2 3480.

3 The Court considered the records and pleadings filed herein, including the following
4 additional pleadings in regards to the motions:

- 5 • Defendant City of Tumwater's Motion for Summary Judgment;
- 6 • Declaration of David Ginther and the exhibits attached thereto;
- 7 • Declaration of Michael Matlock and the exhibits attached thereto;
- 8 • Declaration of Jeffrey S. Myers and the exhibits attached thereto;
- 9 • Declaration of William Partin and the exhibit attached thereto;
- 10 • Plaintiffs' Motion To Strike And Response Opposing Defendant's Motion For
11 Summary Judgment;
- 12 • Declaration of Walter H. Olsen, Jr., and the exhibits attached thereto;
- 13 • Supplemental Declaration of Jeanne-Marie Wilson and the exhibits attached
14 thereto;
- 15 •
- 16 •
- 17 •

18 Being fully advised as to the premises for the motions, the Court rules as follows:

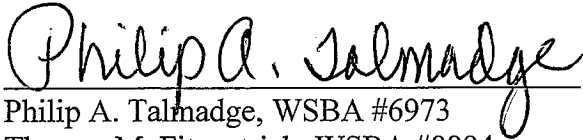
19 1. The park owners' motion to strike Tumwater's summary judgment motion
20 is hereby GRANTED. Tumwater's motion is stricken from the record and will not be
21 considered. Sanctions in the amount of \$_____ will be imposed against Tumwater.

22 2. Alternatively, Tumwater's motion for summary judgment is hereby
23 DENIED.
24
25

DONE IN OPEN COURT this _____ day of _____, 2010.

JUDGE

Presented by:



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